

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Waller at 7:30 p.m. on May 11, 2004, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:

Gary Chamberlain
Lawrence Littman

Also Present:

Mark F. Miller, Planning Director
Allan Motzny, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2004-05-053

Moved by: Schultz
Seconded by: Strat

RESOLVED, That Members Chamberlain and Littman be excused from attendance at this meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

2. MINUTES

Resolution # PC-2004-05-054

Moved by: Wright
Seconded by: Schultz

RESOLVED, To approve the April 27, 2004 Special/Study Meeting minutes as published.

Yes: Drake-Batts, Schultz, Strat, Waller, Wright
No: None
Abstain: Khan, Vleck
Absent: Chamberlain, Littman

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

Mr. Miller announced that the proposed Presidential Place Site Condominium development located on the west side of John R and north of Square Lake, directly south of Fire Station No. 5, was removed from tonight's agenda. The petitioner to date has not provided the Planning Department with sufficient information, including a wetlands determination and corrections to the application. Mr. Miller said notifications were mailed to residents abutting the subject property, but the residents were not notified that the item was removed from tonight's agenda. Mr. Miller apologized for any inconvenience this might have caused.

Chair Waller opened the floor for comment.

Valentina Shashlo of 6336 Atkins, Troy, requested assistance in locating the proposed site condominium project in relation to her property.

Mr. Miller provided Ms. Shashlo with a business card and said a member of the Planning Department would assist her during office hours.

TABLED ITEM

4. PUBLIC HEARING – PROPOSED REZONING (Z-694) – Proposed Knights of Columbus Hall (in existing building), West Side of Dequindre, South of Big Beaver, Section 25 – From B-1 to B-2 or B-3

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application to either the B-2 or B-3 zoning classification. Mr. Miller stated that the required rear yard setbacks for both the B-2 or B-3 zoning districts would create a non-conforming structure. He noted the B-3 zoning would create a substantially lesser non-conformity than B-2 zoning.

There was discussion on the setback requirements, the intent of the B-2 zoning district in relation to the setback requirements, the required variance from the Board of Zoning Appeals, the proposed zoning classification correlation with the Future Land Use Plan, and the permitted uses in the B-1, B-2 and B-3 districts.

Mr. Motzny said that should the proposed rezoning be approved, the non-conformity becomes legal, but noted that an expansion on the non-conforming structure would not be permitted without approval from the Board of Zoning Appeals.

The petitioner, Mike Kozlowski of Caeruleum Environmental Design, 5603 S. Telegraph, Dearborn Heights, was present. Mr. Kozlowski said the hurdles of the development proposal are recognized, and noted that parking is the most significant

one. Mr. Kozlowski said factors to consider are (1) the self-limiting nature of the size of the parcel and building; (2) the more intensive parking requirements for special uses in the B-2 and B-3 zoning districts; and (3) self-limiting characteristics of special uses. Mr. Kozlowski said he is prepared to go forward with the necessary variances, and noted his zoning classification preference would be B-3 because the variance requirement would be less.

PUBLIC HEARING OPENED

Mark Michail, Attorney, of 4064 Cypress, Troy, was present to represent the owner of Blockbuster, located directly north of the proposed rezoning at 2966 E. Big Beaver. Mr. Michail voiced strong opposition to the proposed rezoning. The reasons cited for the opposition are (1) potential parking concerns, (2) the zoning change of the current use and (3) the intensity of the proposed zoning use. He said the Blockbuster parcel is the most convenient location for potential users of the Knights of Columbus facility to park their vehicles and walk to the hall. Mr. Michail said the Blockbuster site is currently vacant and is limited in its prospective uses because of its B-1 zoning classification. He asked why the Blockbuster parcel could not be rezoned to B-2 or B-3.

PUBLIC HEARING CLOSED

Mr. Miller clarified the Schedule of Notes in the zoning ordinance as relates to the requested B-3 zoning district.

Mr. Vleck said he has no specific problem with the proposed use. He believes the B-3 zoning classification would set a precedent for future rezoning requests, and stated he does not agree with the B-2 zoning classification because of the big setback it would create.

Mr. Khan agreed that approval of the B-3 zoning classification would set a precedent for future rezoning requests. He thinks the potential uses that are permissible in the B-3 zoning classification would not be suitable to the area.

Resolution # PC-2004-05-055

Moved by: Vleck

Seconded by: Strat

RESOLVED, that we deny the approval of this request.

Discussion on the motion on the floor.

Ms. Drake-Batts asked what the future plan is for the subject parcel and the parcel to the north. She also questioned if a previous rezoning request was received for the parcel to the north.

Mr. Miller said the entire corner is designated Community Service Area on the Future Land Use Plan. He stated that the primary zoning district correlation is B-2 and the secondary zoning district correlation is B-3, and noted that both the B-2 and B-3 zoning classifications are consistent with the Future Land Use Plan. Mr. Miller said the intent of the B-2 zoning classification is to allow planned shopping centers and stated that this specific area would not meet that intent. Mr. Miller said he would research whether a rezoning request was previously submitted for the parcel to the north. Mr. Miller confirmed that the Blockbuster parcel is zoned B-1 and the parcel directly on the corner is zoned B-3 [currently an oil change facility].

Mr. Koslowski said that the size of the property [2/3 of an acre] would not likely accommodate typical B-3 uses. Mr. Koslowski said he has been completely open about the proposal plans, and respectfully requested the Commission to not deny the rezoning request since both proposed zoning classifications are consistent with the Future Land Use Plan.

Vote on the motion on the floor.

Yes:	Khan, Schultz, Strat, Vleck
No:	Drake-Batts, Waller, Wright
Absent:	Chamberlain, Littman

MOTION CARRIED

Mr. Vleck said he is not against rezoning the parcel to B-2, but he has concerns with the variance that is required for conformity of the building. He said that approval of the rezoning request would set a precedent for future rezoning applications. Mr. Vleck suggested consideration be given to a zoning ordinance text amendment that would specifically address setbacks within the B-2 zoning district.

Mr. Strat suggested that a system of layered zones could be a solution and should be considered for future planning.

Chair Waller stated that Mr. Strat recently returned from the annual conference of the American Planning Association in Washington, D.C., and will be sharing ideas from the conference with the Commission in the very near future. Chair Waller said the Commission would review the suggestions from Messrs. Vleck and Strat.

Mr. Miller said it is important to recognize that the B-1 zoning classification also has a secondary correlation to the area and it is also consistent.

SITE CONDOMINIUM SITE PLAN

5. **SITE PLAN REVIEW** – Proposed Stone Haven Woods East No. 2 Site Condominium, 4 units/lots proposed, South Side of Wattles, West of Crooks, Section 20 – R-1B

Chair Waller announced that at the request of the petitioner, item #5 has been removed from the agenda.

Resolution # PC-2004-05-056

Moved by: Wright
Seconded by: Schultz

RESOLVED, That the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Stone Haven Woods East No. 2 Site Condominium, including 4 units, located south of Wattles Road and west of Crooks Road, Section 20, within the R1B zoning district be tabled to the June 8, 2004 Regular Meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

SPECIAL USE APPROVAL

6. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 324)** – Proposed Dog Day Care/Commercial Kennel, BARK! LLC, North side of Industrial Row, East of Coolidge, Section 32 – M-1

Chair Waller announced that at the request of the petitioner, item # 6 has been removed from the agenda.

Resolution # PC-2004-05-057

Moved by: Wright
Seconded by: Schultz

RESOLVED, that the Special Use Approval and Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the proposed BARK! Commercial Kennel, located on the north side of Industrial Row, east of Coolidge, Section 32, within the M1 Zoning District, be tabled to the June 8, 2004 Regular Meeting.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

STREET VACATION REQUEST

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-185) – South 149.26 Ft. (dead end) of Beach Road, abutting Lot 53 of Wendover Woods No. 2 Subdivision, North of Big Beaver, West of Coolidge, Section 19 – R-1B

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted.

The petitioner, Toby Buechner of 2411 Hampton, Troy, was present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2004-05-058

Moved by: Wright
Seconded by: Vleck

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for the Beach Road right-of-way, located within the Wendover Woods No. 2 Subdivision, abutting lot 53, being approximately 149.26 feet in length and 43 feet in width, in Section 19, be approved.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

REZONING REQUEST

8. PUBLIC HEARING – PROPOSED REZONING (Z-695) – Proposed Becker Overflow Parking Area, South Side of Henrietta, East of Rochester Road, Section 27 – From R-1E to P-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning. Mr. Miller reported that it is the recommendation of the Planning Department to approve the rezoning application.

Mr. Strat asked why consideration is not being given to rezoning the parcel to O-1. He said there is potential to having a parking area surrounded by light industrial or office buildings. Mr. Strat said it seems more appropriate to use the entire site.

Mr. Miller replied that the City is responding to the petitioner's request for a rezoning to the P-1 classification, and the Planning Department would review other alternative zoning classifications should they be submitted.

Mr. Vleck questioned the parking calculations in relation to the building size.

Discussion followed with respect to the parking calculations in relation to the existing building and the potential expansion of the existing building. Mr. Miller did not know if the existing building could be expanded, given the size of the lot.

Mr. Wright said the petitioner might be requesting a parking zoning classification instead of office because the property as a parking lot would most likely be assessed at a lower value.

Mr. Vleck said that residents are generally not in favor of office or parking developments adjacent to their residences. Mr. Vleck asked for details on the required screening to the residents.

Mr. Miller said the subject parcel is designated as non-center commercial on the Future Land Use Plan. He said the designation has a primary correlation with the B-3 zoning classification and a secondary correlation with the H-S zoning classification. Mr. Miller said there is no correlation to office zoning, but noted there is some office zoning in the area. Mr. Miller confirmed the west side of Rochester Road is zoned B-2.

Mr. Wright said if memory serves him correctly, the intent of the Master Plan for that area is to consolidate the individual pieces of property to one large piece that would accommodate a large commercial center, the same intent for the parcels on the west side of Rochester Road.

The petitioner, Eileen Youngerman of 35 W. Huron, Pontiac, was present. Ms. Youngerman, property manager for Arnold Becker, has worked for Mr. Becker for almost 17 years. She said that Mr. Becker is requesting the rezoning to provide off-

street parking as an attraction to prospective tenants. Ms. Youngerman stated the screening wall to the adjacent residential homes would be consistent with the previous wall and would provide the residents with more of a buffer from the office use.

PUBLIC HEARING OPENED

Nancy Haynes of 1046 Henrietta, Troy, was present. Ms. Haynes voiced objection to the rezoning because the parking lot would be right up against her living room and bedroom. She said the existing office building has been empty for almost two years, with the exception of the sale of Persian rugs for a short period of time. Ms. Haynes referenced the parking lot that connects with the American Transmission parking lot. She said today she counted 25 cars in various stages of decay that she is afraid will overflow into the proposed parking lot. Ms. Haynes objected to the lights, noise and overall nuisances from the existing restaurant and bar. She said the proposed parking lot is not necessary because the office building is not currently occupied.

Mr. Miller said the screening wall would be poured concrete at a height of 4.5 feet.

Chair Waller stated the zoning ordinance contains specific language relating to the shielding of lights from residential property, and informed Ms. Haynes to notify the Building Department with lighting concerns.

Mark Kozlow of 1058 Henrietta, Troy, was present. Mr. Kozlow voiced objection to the proposed rezoning because he would like to see a plan to cover the whole area, and he would like to maintain the fair market value of his home. Mr. Kozlow noted that the existing building has been vacant for approximately two years, and it appears that the petitioner has no plans for the use of the property. Mr. Kozlow said the previous business at this location did not require additional parking.

Jena Carrington of 1062 Henrietta, Troy, was present. Ms. Carrington, the only homeowner on Henrietta with children, moved specifically to the area so her children could attend Troy schools. Ms. Carrington emphasized that this is their home. Ms. Carrington voiced objection to the proposed rezoning. She said there is no reason to put in a parking lot for a building that has been sitting empty for two years. She said there is plenty of space for a business to come in and there is no need to add parking until there is a plan.

PUBLIC HEARING CLOSED

Discussion continued on the lot configuration, setback requirements for the building and screening wall, and parking requirements for the existing building and potential buildout of the existing building.

Mr. Vleck said he does not see P-1 zoning as a transition zone to residential. Mr. Vleck said that should the property be rezoned to P-1, there is a potential for building expansion and a more intense use.

Mr. Strat said he is not in favor of the proposed rezoning because the petitioner has not demonstrated a need or a plan for the rezoning.

Ms. Drake-Batts asked the petitioner why she is requesting the rezoning now. She asked if there is a prospective tenant or if there are plans for redevelopment.

Ms. Youngerman responded that one of the reasons the building is vacant is because they got caught up in the "S" curve of Rochester Road. She said Mr. Becker, who owned Corey Dinette, put the store in that location so the building would not remain vacant. Ms. Youngerman indicated the real estate agent is having difficulty getting a prospective commercial tenant (preferably office) because of the lack of parking adjoining the building. She pointed out that a prospective tenant goes elsewhere when he/she sees inadequate parking for a potential of 25 to 30 employees. Ms. Youngerman said it is proposed to provide a 20-foot greenbelt between the screening wall and the parking lot.

Mr. Khan said he does not think the proposed rezoning would be suitable with respect to the small lot size of the adjacent residential homes and the required screening wall. He said doing piecemeal rezoning of the parcels would not solve the matter.

Mr. Vleck said he is vehemently against rezoning both parcels because there would be no control of the parcels.

Mr. Wright agreed that the proposed rezoning is premature and he would like to see the parcels developed as one big area. Mr. Wright said that should the parcel be rezoned to P-1, the result would be a parking classification in the middle of other zoning classifications.

Mr. Miller reported the schematic site plan shows a 20-foot setback from the proposed parking area. Mr. Miller reminded the Commission that the Planning Department does not review schematic site plans at the time of rezoning submissions, and noted the City cannot require any conditions on schematic site plans. Mr. Miller stated that the schematic site plan was not included in the Commission's meeting packet.

Resolution # PC-2004-05---

Moved by: Wright

Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reason:

1. Such rezoning is premature at this time.

Discussion on the motion.

Mr. Vleck asked that the motion be revised to read that the P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Mr. Wright and Ms. Drake-Batts had no objection to the revision.

Resolution # PC-2004-05-059 (as amended)

Moved by: Wright
Seconded by: Drake-Batts

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1 (Z-695) rezoning request located on the south side of Henrietta and east of Rochester, within Section 27, being 0.25 acres in size, be denied, for the following reasons:

1. Such rezoning is premature at this time.
2. The P-1 zoning's close proximity to the existing residential area is an inadequate buffer zone when compared to the residential.

Vote on the motion as amended.

Yes: All present (7)
No: None
Absent: Chamberlain, Littman

MOTION CARRIED

GOOD OF THE ORDER

Mr. Motzny extended an invitation to everyone to celebrate National Law Day on May 12, 2004. Dr. Robert A. Sedler is scheduled to speak on the historical significance of the *Brown v. Board of Education* civil rights case at 2:00 p.m. in the City Council Chambers.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 8:47 p.m.

Respectfully submitted,

David T. Waller, Chair

Kathy L. Czarnecki, Recording Secretary